

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

HANOVER INSURANCE CO.,

Plaintiff,

CIV. NO. 16-10219

v.

HON. TERRENCE G. BERG

JENKINS CONSTRUCTION, INC.,
JENKINS OF ILLINOIS, LLC,
JAMES JENKINS, and
JACQUELINE JENKINS,

Defendants.

**ORDER GRANTING LEWIS & MUNDAY, P.C.'S MOTION
TO WITHDRAW AS COUNSEL FOR DEFENDANTS (DKT. 12)**

This matter is before the Court on the law firm Lewis & Munday, P.C.'s motion to withdraw as counsel for Defendants (Dkt. 12). Lewis & Munday's motion is premised on the fact that Defendants have failed to pay their bills for past and future legal representation in this matter. On July 6, 2016, the Court held a telephonic status conference in this matter, and indicated that it was inclined to grant Lewis & Munday's motion, but that the Court expected Defendants to obtain new counsel, and have that new counsel file an appearance in this matter within 30-

days. That 30-day period has long-since passed, and no substitute counsel has filed an appearance on behalf of Defendants.

The Court held on second status conference on October 28, 2016. Attorney Samuel McCargo from Lewis & Munday appeared on behalf of Defendants. Attorney McCargo advised that he informed his client of the Court's requirement that Defendants obtain substitute counsel, but that he did not know what Defendants intentions for obtaining new counsel were. Attorney McCargo has been very diligent and professional in representing Defendants in this matter; it is unreasonable to expect him to continue representing Defendants without being paid for his services.

This matter must move forward, with or without new attorneys for Defendants. Lewis & Munday's motion to withdraw as counsel for Defendants is **GRANTED**. The Court will hold a telephonic scheduling conference in this matter on **Tuesday, November 15, 2016 at 3:00 p.m.** Plaintiff's counsel should initiate the call. Defendants are again directed to secure new counsel prior to this conference. If Defendants fail to obtain counsel, Defendants James and Jacqueline Jenkins are directed to participate in the conference on their own behalf. Plaintiff's

counsel is instructed to obtain contact information for Mr. and Mrs. Jenkins from Attorney McCargo. Furthermore, Attorney McCargo is directed to send a copy of this order to Mr. and Mrs. Jenkins.

It is unclear from the record in this case whether either Mr. or Mrs. Jenkins is an attorney. If they are not, then they should be advised that as lay persons they will not be permitted to represent the interests of the corporate Defendants (Jenkins Construction, Inc. and Jenkins of Illinois, LLC). If those corporate Defendants do not obtain counsel and answer this lawsuit, they will run the risk of having a default judgment entered against them. *See Rowland v. California Men's Colony*, 506 U.S. 194, 202, 113 S.Ct. 716, 121 L.Ed.2d 656 (1993) (all artificial entities, such as corporations, partnerships, or associations, may only appear in federal court through a licensed attorney).

For all the foregoing reasons, the firm of Lewis & Munday's motion to withdraw as counsel is hereby **GRANTED**. All Defendants are hereby **ORDERED** to obtain new counsel, or, in the case of the individual Defendants Mr. and Mrs. Jenkins, to be prepared to represent themselves. All parties shall appear for a telephonic

conference before the Court on **Tuesday, November 15, 2016 at 3:00 p.m.**

SO ORDERED.

s/Terrence G. Berg
TERRENCE G. BERG
UNITED STATES DISTRICT JUDGE

Dated: November 4, 2016

Certificate of Service

I hereby certify that this Order was electronically submitted on November 4, 2016, using the CM/ECF system, which will send notification to each party.

s/A. Chubb
Case Manager